

Introduced by Senator Romero

February 23, 2006

An act to add Section 6357 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1521, as introduced, Romero. Prisons: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. The bill would forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6357 is added to the Penal Code, to
2 read:
3 6357. (a) The Department of Corrections and Rehabilitation,
4 upon reasonable notice, shall permit representatives of the news
5 media to interview prisoners in person, including prearranged
6 interviews with specified prisoners and individuals encountered
7 by a representative of the news media while covering a facility
8 tour, activity, event or program.
9 (b) During any interview with a prisoner, a representative of
10 the news media may use materials necessary to conduct the

1 interview, including, but not limited to, pens, pencils, papers, and
2 audio and video recording devices. These items shall be subject
3 to search for the purpose of protecting against an immediate and
4 direct threat to the security of the institution.

5 (c) A news media representative who desires to conduct a
6 personal interview at an institution shall make the request within
7 a reasonable time period prior to the requested interview in
8 writing to the warden or through contact with the institution's
9 public relations office.

10 (d) Staff shall notify an inmate of each interview request, and
11 no interview shall be permitted without the inmate's consent.

12 (e) An inmate may not receive compensation or anything of
13 value for interviews with the news media.

14 (f) The warden or the warden's designated public relations or
15 custodial official shall, within 48 hours of receiving an interview
16 request, notify the news media representative making the request
17 whether the interview has been granted.

18 (g) After the warden or the warden's designated public
19 relations or custodial official grants a request for an interview,
20 staff shall, at least two business days prior to the interview, notify
21 any victims of the inmate who have previously notified the
22 warden or Department of Corrections and Rehabilitation that
23 they wish to be contacted in the event of an interview request that
24 an interview has been granted.

25 (h) The warden or his or her designee may deny a personal
26 interview with a particular prisoner if it is determined that the
27 interview would pose an immediate and direct threat to the
28 security of the institution or the physical safety of a member of
29 the public. Within a reasonable period of time, the representative
30 of the news media shall receive an explanation of the specific
31 reasons for the denial. In order to ensure the security of the
32 institution, the physical safety of the public, and the efficient
33 administration of news media interviews, the department may
34 establish reasonable time, place, and manner restrictions for
35 prison interviews, including limitations on the number of
36 interviews per prisoner in a specified time period, limitations on
37 the amount of audio, video, and film equipment entering the
38 facility for the interview, and arrangements for pool interviews if
39 the number of journalists requesting to interview any one
40 prisoner is excessive.

1 (i) No prisoner or parolee may have his or her visitation
2 limited or revoked because of a visit or potential visit from a
3 representative of the news media, nor may a prisoner or parolee
4 be punished, reclassified, disciplined, transferred to another
5 prison against his or her wishes, or otherwise retaliated against,
6 for participating in a visit by, or communicating with, a
7 representative of the news media.

8 (j) Interviews shall not be subject to auditory monitoring.

9 (k) For the purposes of this section, “representative of the
10 news media” means a journalist who works for, or is under
11 contract to, a newspaper, magazine, wire service, book publisher,
12 or radio or television program, or station or who, through press
13 passes issued by a governmental or police agency, or through
14 similar convincing means, can demonstrate that he or she is a
15 bona fide journalist engaged in the gathering of information for
16 distribution to the public.